THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16331 of 1995

ORAL ORDER:

This writ petition is filed by the management of SETWIN, Hyderabad being aggrieved by the Award passed by the Industrial Tribunal-II, Hyderabad in I.D.No.73/94 (old I.D.No.474/93) dated 10.3.1995.

It appears, the first respondent-workman had worked as a temporary employee in the petitioner organisation and his services were terminated contrary to the provisions of Section 25F of the Industrial Disputes Act, 1947 (for short 'the Act'). Therefore, conciliation proceedings were initiated and they were in progress. While so, by order dated 16.1.1993, the services of the petitioner were again terminated by complying with the provisions of Section 25F and by paying one month's salary to the petitioner in lieu of notice and treating him in service till 28.1.1993. Aggrieved by the same, the respondent/workman raised the dispute and the same was referred to Industrial Tribunal-II, Hyderabad under Section 19(1)(G) of the Industrial Disputes Act, 1947.

There is no necessity of going into all the details. It is suffice to notice that as Ex.W3-termination order was invalid, the same was challenged, and when the matter was pending before the Assistant Commissioner of Labour, and before he could submit failure report-Ex.W4, the petitioner was served with another notice dated 16.1.1993 cancelling the pervious notice Ex.W3 and terminating his services treating the petitioner as in service till 28.1.1993 by paying salary from 1.12.1992 to 28.1.1993.

Admittedly, these proceedings dated 16.1.1993 were passed during the pendency of conciliation before the Assistant

Commissioner of Labour, Hyderabad. Therefore, the action of the management is directly hit by the provisions of Section 33 of the Industrial Disputes Act. This aspect was rightly considered by the Industrial Tribunal and found that the action of the respondents in issuing proceedings dated 16.1.1993 is arbitrary and illegal.

Therefore, I am of the opinion that the Industrial Tribunal has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

_____

C.V.RAMULU, J

Date: 10.10.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16331 of 1995

10.10.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16331 of 1995

Date: 10th October, 2006

Between:

Management of SETWIN,
Purani Haveli, Hyderabad.

.. Petitioner

And

Mir Zafer Ali Hasmi & another.

.. Respondents